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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,078	04/07/2000	Stephane H Maes	Y0999-273(8728-298)	1114
46069	7590	06/15/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			PRIETO, BEATRIZ	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/545,078

Applicant(s)

MAES, STEPHANE H

Examiner

Prieto Beatriz

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-23, 25-34, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-23, 25-34, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



**DETAILED ACTION**

1. This communication in response to Request for continued prosecution (RCE) filed under 37 CFR 1.114 and filed 04/14/05, claims 1, 3-23, 25-34, and 37-38 remain pending.

***Claim Rejection under 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. §112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, claim 1 recites: “*based on one more modalities*”, this raises uncertainties as to whether this one more modality is in addition and distinct from the audio and non-audio modality mentioned earlier;  
“*serve or present pages to the client in one format compatible with one modality of the client*”, this raises uncertainties as to whether the pages served or presented are the pages requested;  
“*one format that is compatible with one modality of the client, wherein the one format comprises a multi-modal format that can be rendered in two synchronized modalities*”, this raises uncertainty as to whether it is required to be rendered, as best understood, this states that the served or presented page are be displayed alternatively in two modalities;  
“*two or more synchronized modalities*”, this raises uncertainties as to whether these synchronized modalities are the same or different than the “*plurality of different modalities*” discussed earlier in the claim; and  
“*modalities of the client*”, this raises uncertainties as to whether the modalities are associated with the user according to previous clause “a conversational user interface that enables a client” or a device which seems to be what is below argued.

***Claim Rejection under 35 U.S.C.***

4. Quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

5. Claims 1, 3-23, 27-34, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et. al. (US 6,501,832) (Saylor hereafter) in view of Cohen et. al. (US 6,859,776) (Cohen hereafter).

Regarding claim 1, Saylor teaches substantial features of the invention, including

a (“conversational”) browser, which provides a (“conversational”) user interface to enable access to a (“conversational”) portal (12) across a (“plurality of different modalities”) two or more multi-modal dialog (Saylor: speech-only or text via a phone or Web, respectively see col 4/lines 43-col 5/line 20);

wherein the conversational browser establishes or support (“adapts”) an interaction dialog between the conversational portal (12) and a client (14) which access the conversational portal over a communication network (16) based on one modalities of the client e.g. audio or visual capability (access over the phone or logging via Web see col 4/lines 43-col 5/line 8, retrieve voice or visual display of requested content see col 5/lines 9-20, text for visual display see col 8/lines 32-36) ;

wherein the conversational browser can perform conversational browsing to retrieve one information “page” from an information source (70, 18 or 22) in response to a client’s request and server or present the retrieved page to the requesting client in a format that is compatible with one modalities of the requesting client by converting the retrieved page, if necessary (col 8/lines 14-63, col 5/lines 4-8, and col 5/lines 9-20, text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32);

said plurality of modalities including audio (e.g. voice) and non-audio modalities (e.g. text) (col 5/lines 9-20, col 8/lines 14-36, and col 12/lines 20-44), although Saylor does not explicitly teach information (“page”) that can be rendered in two modalities.

Cohen teaches a page configure with two modalities, specifically, both graphical and voice data (col 10/lines 39-55) or configured with format supporting both voice and data (col 9/lines 32-43), associated with a browser configured to rendered respective two modalities (col 9/lines 10-25).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Saylor configuring portal with voice browser enabling access to clients across two modalities, the teachings of Cohen for enhancing voice browser with dual capabilities supporting two modalities voice and visual data, would have been readily apparent Motivation would be to configure the browser with gateway capabilities to couple audio voice and conventional Web page information enabling user to voice from voice providers and non-voice data from Internet providers, enabling access to web pages having two modalities, such as those pages configured with markup

languages that support two modalities or pages that can be converted from one modality to another for rendering, as suggested by Cohen.

Regarding claim 3, the information provided by the information sources is implemented in a multi-modal representation, which is a format (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 4, computing device (transcoder), operatively associated with the conversational browser, for converting the (multi-modal) information into one specific format (modality-specific format) that corresponds to a modality of the requesting client (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 5, the conversational portal discovers, ascertain, identify (i.e. detects) the modality of the requesting client to convert the multi-modal information into the modality-specific format (Saylor: col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 6, discern (i.e. detects) the modality of the requesting client based on the registration protocols (Saylor: registration setup: transactions based on user identified registration, col 8/lines 56-col 8/line 13, subscribe registration discern modalities of client, col 16/lines 18-col 17/line 4).

Regarding claim 7, comprising a (portal directory) database (Saylor: 18 of Fig. 1, col 14/lines 19-28), accessible by the conversational browser, for storing one of an index of information sources, (Saylor: indexed: col 18/lines 13-19, index: col 8/lines 14-36).

Regarding claim 8, the information is maintained in a (multi-modal) format by a service provider (Saylor: 70 of Fig. 1, col 11/lines 43-52) of the conversational portal under business agreements between the service provider of the conversational portal and service provider of the information sources (Saylor: business arrangement: col 34/lines 14-34, business: col 38/lines 13-24).

Regarding claim 9, capturing a connection between the requesting client and the conversational portal and maintaining communication link (holding the client captive) during predetermined time periods (Saylor: col 26/lines 39-40).

Regarding claim 10, a link provided by the conversational browser is selected by the requesting client and rendered or served to the requesting client (Saylor: voice browser; col 26/lines 41-54).

Regarding claim 11, the requesting client is released when a link is directly requested by the requesting client (Saylor: col 26/lines 39-40).

Regarding claim 12, a service provider of the conversational portal provides advertisements, during time period in which the requesting client is connected (Saylor: col 26/lines 39-40).

Regarding claim 13, time period between connections established links between different information sources (Saylor: col 26/lines 39-40).

Regarding claim 14, wherein the advertisements and services are multi-modal (Saylor: content: col 2/lines 5-16, visual or audio content, & multi-modal information col 4/lines 16-28, advertisements: col 9/lines 54-58, ads; col 36/lines 48-67).

Regarding claim 15, wherein the advertisements and services are provided by the service provider on behalf of a third-party under a business agreement between the service provider of the conversational portal and third-party (Saylor: col 36/lines 48-col 37/line, third-party, col 45/lines 65-col 46/line 25).

Regarding claim 16, for creating audio files or clips (segmenting) and forming structural order of the audio files or clips (indexing) audio and multimedia data obtained from an information source (Saylor: col 8/lines 14-36 audio or visual information, indexing multimedia (text, graphics, audio, video) retrieval: Saylor: col 8/lines 37-53); and a multimedia database for storing the indexed audio and multimedia data (Saylor: col 8/lines 37-53, index database; col 18/lines 13-19).

Regarding claim 17, retrieving as discussed above, obtains desired segments from the multimedia database in response to a client request and presents such segments to the client (Saylor: col 8/lines 14-53, index database; col 18/lines 13-19) based on the I/O capabilities of the client (Saylor: col 3/line 63-col 4/line 4 format that is compatible with the I/O modalities of the requesting client col 8/lines 14-36, presented to the user: col 5/lines 4-8, provide to user visual or audio content: col 5/lines 9-20).

Regarding claim 18, the conversational browser periodically downloads multimedia data from one information source to index and store the multimedia data in the multimedia database (Saylor: col 18/lines 32-38).

Regarding claim 19, the downloading and indexing of the multimedia data of the information source is performed under a business agreement between a service provider of the conversational portal and a service provider of the information source (Saylor: col 7/lines 4-17).

Regarding claim 20, subscription program for registering a subscriber (Saylor: col 7/lines 56-col 8/line 13), a program comprising user-selected multimedia segments in the multimedia database (selection of clips see Saylor col 7/lines 32-47, segments col 9/lines 47-58).

Regarding claim 21, (registered) subscriber can conversationally navigate the program and select desired segments for broadcasting via the requesting client (Saylor: col 5/lines 9-20).

Regarding claim 22, however the above-mentioned prior art of record does not teach radio services upon request (i.e. upon demand) which the registered subscriber access via a wireless phone (Saylor: wireless access protocol device see col 5/lines 9-20, wireless network providers accessed over wireless phones see col 5/lines 31-37, over a wireless telephone network see col 10/lines 6-13).

Regarding claim 23, comprising features discussed on claim 1, same rationale of rejection is applicable and further:

an access device having one modality (Saylor: device supporting one modality: col 9/lines 59-col 10/line 5, client access device: col 5/lines 9-20 supporting one modality, user device: col 14/lines 10-14);  
a content server (70 of Fig. 1, col 11/lines 43-52 or 18 of Fig. 1, col 14/lines 19-28).

Claim 24 (canceled).

Regarding claim 25, wherein the multi-modal content pages and applications are implemented in a modality-independent representation (Saylor: col 4/lines 43-59, multi modal, col 14/lines 56-59, multi-modal Vpages, col 21/lines 7-41).

Regarding claim 26, a voice (conversational) browser for fetching and processing a multi-modal content page for presentation to a user based on the I/O capabilities of the access device supporting user selection (Saylor: processing for presentation, i.e. rendering see col 26/lines 41-45, fetch col 29/lines 17-28).

Regarding claim 27, converting one multi-modal content page into one modality-specific representation based on detected modality of the access device (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 28, accessible by the conversational portal, for converting a modality-specific site of a content provider into a multi-modal representation (Saylor: the conversational portal discover, ascertain, identify (i.e. detects) the I/O modalities of the requesting client to convert the multi-modal information into the modality-specific format col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 29, the conversion service is provided by the content provider (Saylor: col 2/lines 21-26, 59-64) or a third-party under a business agreement with the content provider (Saylor: col 7/lines 4-23).

Regarding claim 30, an interface (conversational browser) (Saylor: interface col 5/lines 2-8) for processing and presenting one of a multi-modal content page and application received by the conversational portal (Saylor: col 10/lines 62-64).

Regarding claim 31, the conversational portal is access by calling a pre-designated telephone number (Saylor: dialing a number, col 6/lines 30-33, connect via telephone, col 25/lines 59-63).

Regarding claim 32, a listing (directory) of content server addresses (Saylor: col 14/lines 23-32).

Regarding claim 33, wherein the (portal directory) database comprises one of multi-modal content pages (Saylor: col 14/lines 23-27), associated with one content provider hosted by the conversational portal (Saylor: multi-modal pages associated with provider 70 of Fig. 1, col 11/lines 43-52)

Regarding claim 34, comprising features discussed on claims 1 and 23, same rationale of rejection is applicable, and further wherein: access to information is over a communication network (16 of Fig. 1) (Saylor: col 14/lines 14-22); establishing communication with a conversational portal using an access



device (14 of Fig. 1) (Saylor: col 14/lines 1-22, access via communication link, col 5/lines 21-37, communication medium, col 11/lines 43-52).

Claim 35 (canceled).

Regarding claim 36, detecting by the conversational portal at least one modality of the access device (Fig. 8), and transcoding i.e. converting the retrieved multi-modal information into at least one modality-specific format corresponding to the at least one detect modality (Saylor: text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32).

Regarding claim 37, established communication with the user (i.e. holding the user captive) during a period in which the retrieving step is executed, presenting one of advertisements (Saylor: col 26/lines 39-40).

Regarding claim 38, provide a broadcast on demand service (Saylor: col 26/lines 39-40).

Regarding claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Jamtgaard et. al. (U.S. Patent No. 6,430,624) (Jamtgaard hereafter), amendment as filed has overcome this rejection, and it is hereby withdrawn.

### **Response to Arguments**

6. Applicant argues (p. 9 of remarks) with respect to claim 1, rejected under 102 over Saylor, that the reference does not teach added claim limitation, specifically, a conversational portal that serves or presents pages to a client/access device in at least one format that is compatible with one or more modalities of the client/access device, where the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities.

In response to the above-mentioned argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "client/access device") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Applicant argues (p. 10 of remarks) with respect to claim 1, rejected under Jamtgaard that the rejection does not directly address the elements of the claim, the exact language.

In response to the this argument, it is respectfully noted that it is not the "exact language" how the claims are examined, but the claimed terms are given the broadest reasonable interpretation in light of the specification based on the fact that applicant may be his/her own lexicographer (MPEP 2111 or 2106).

8. Applicant's arguments with respect to claims 1, 23 and 34 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

9. Examiner recommends a telephonic interview to accelerate prosecution.

*Citation of Pertinent Art:*

10. The following prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Copies of documents cited Non-patent literature will be provided as set forth in MPEP § 707.05(a):

US 5,889,951

Teaches a page in at least one format that is compatible with one or more modalities of the client, wherein the at least one format comprises a multimodal format that can be rendered in to modalities". Specifically, hypertext documents or "Web pages" that can be accessed by users via a "browser" program (for example, Navigator.™ and Mosaic). When viewed via a browser, a Web page typically displays text and color graphics, and can play sound, animation, and video clips. Through the Web, users can access the various Internet services, including Gopher, Telnet, and FTP (column 1, lines 21-31).

5,915,001

Teaches a gateway system configured with an enhanced browser having voice and web capabilities to support users to navigate using both voice and web content.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
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Alexandria, VA 22313-1450

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

703) 306-5631 for TC 2100 Customer Service Office.

  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**